

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 6998

BILL NUMBER: HB 1883

DATE PREPARED: Jan 15, 2001

BILL AMENDED:

SUBJECT: Sexual Misconduct with a Minor.

FISCAL ANALYST: Sherry Fontaine

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FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill adds references to the crime of sexual misconduct with a minor to various statutes dealing with sex crimes.

Effective Date: July 1, 2001.

Explanation of State Expenditures: The crime of sexual misconduct with a minor, as referenced to the various statutes in this bill, provides for enhancement of criminal and related penalties as specified in this bill which include the following: (1) offenders are subject to criminal history checks, (2) ability for employers to cancel employment contracts, allow for dismissals, and provide for notifications to employers of offenders, (3) consent for adoption is not required from a parent if the parent is convicted of and incarcerated at the time of filing of a petition for adoption for sexual misconduct with a minor, (4) an offender is subject to pay a Child Abuse Prevention Fee of \$100, (5) seizure of property of offenders, and (6) several provisions which provide enhancements to existing penalties or added jail time. By increasing the offenses for which criminal misconduct with a minor can be charged, this bill may allow for more prosecutions for this offense. It may also increase state expenditures for offenders if offenders are incarcerated in Department of Correction (DOC) facilities.

The average expenditure to house an adult offender was \$20,700 in FY 1999. Individual facility expenditures ranged from \$14,936 to \$37,807. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund.

If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

The bill also provides that offenders are subject to payment of a \$100 Child Abuse Prevention Fee which is deposited into the state User Fee Fund.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs Association, Department of Correction.